

AMENDED IN SENATE JULY 7, 1996
AMENDED IN SENATE JULY 2, 1996
AMENDED IN SENATE JUNE 18, 1996
AMENDED IN SENATE JUNE 5, 1996
AMENDED IN SENATE MAY 21, 1996
AMENDED IN SENATE APRIL 22, 1996

SENATE BILL

No. 1983

**Introduced by Senator Haynes
(Coauthor: Senator Solis)**

February 23, 1996

An act to add Section 4024.4 to the Penal Code, relating to crime, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1983, as amended, Haynes. Victim notification program.

Under existing law, notice of any hearing to review or consider the parole suitability or the setting of a parole date for any prisoner in a state prison shall be sent, upon request, by the Board of Prison Terms at least 30 days before the hearing to any victim of a crime committed by the prisoner, or to the next of kin of the victim if the victim has died.

This bill would ~~require~~ *authorize* the board of supervisors of each county, with the prior concurrence of the county sheriff, and the city council of each city, with the prior concurrence of the chief of police, to establish a notification

procedure to provide notice of the release of any person incarcerated at, or arrested and released on bail from, a local detention facility under its jurisdiction to those victims of crime who have been identified by law enforcement and have requested to be so notified. The bill would authorize a county or city and 2 or more counties or cities to contract with a private entity to implement this procedure. ~~Because the bill would create additional duties for local agencies, it would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~This bill would further provide that its provisions shall not become operative unless a county or city can obtain reimbursement from the State Mandates Claims Fund for the costs of implementing the provisions.~~

This bill would appropriate \$700,000 from the General Fund to the Board of Corrections for the purpose of providing grants to counties and cities to implement a victim notification program pursuant to this act.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4024.4 is added to the Penal
- 2 Code, to read:
- 3 4024.4. (a) The board of supervisors of each county,
- 4 with the concurrence of the county sheriff before
- 5 implementation, and the city council of each city, with
- 6 the concurrence of the chief of police before
- 7 implementation, ~~shall~~ may establish a notification

1 procedure to provide notice of the release of any person
2 incarcerated at, or arrested and released on bail from, a
3 local detention facility under its jurisdiction to those
4 victims of crime who have been identified by law
5 enforcement and have requested to be so notified. A
6 county or city and two or more counties or cities jointly
7 may contract with a private entity to implement this
8 procedure.

9 (b) Notwithstanding any other law, the sheriff, chief of
10 police, or other official in charge of a local detention
11 facility shall make available to any private entity under
12 contract pursuant to subdivision (a) all information
13 necessary to implement the notification procedure in a
14 timely manner. The private entity under contract shall be
15 responsible for retrieving the information and notifying
16 the requester through computer or telephonic means
17 and, if unable to notify the person requesting the
18 information by these means, the sheriff, chief of police, or
19 other official in charge of a local detention facility shall
20 send written notification by mail.

21 (c) The sheriff, chief of police, or other official in
22 charge of a local detention facility shall work
23 cooperatively with law enforcement agencies within the
24 county or city and local victim centers established under
25 Section 13835 to implement the program.

26 (d) As used in this section, “local detention facility”
27 means a facility specified in subdivision (a) or (b) of
28 Section 6031.4.

29 (e) Notwithstanding any other provision of law, no
30 public or private officer, employee, or entity may be held
31 liable for any action or duty undertaken pursuant to this
32 section.

33 ~~(f) This section shall not become operative unless a~~
34 ~~county or city can obtain reimbursement pursuant to Part~~
35 ~~7 (commencing with Section 17500) of Division 4 of Title~~
36 ~~2 of the Government Code for the costs of implementing~~
37 ~~this section.~~

38 ~~SEC. 2. Notwithstanding Section 17610 of the~~
39 ~~Government Code, if the Commission on State Mandates~~
40 ~~determines that this act contains costs mandated by the~~

1 state, reimbursement to local agencies and school
2 districts for those costs shall be made pursuant to Part 7
3 (commencing with Section 17500) of Division 4 of Title
4 2 of the Government Code. If the statewide cost of the
5 claim for reimbursement does not exceed one million
6 dollars (\$1,000,000), reimbursement shall be made from
7 the State Mandates Claims Fund.

8 Notwithstanding Section 17580 of the Government
9 Code, unless otherwise specified, the provisions of this act
10 shall become operative on the same date that the act
11 takes effect pursuant to the California Constitution.

12 SEC. 2. The sum of seven hundred thousand dollars
13 (\$700,000) is hereby appropriated from the General Fund
14 to the Board of Corrections for the purpose of providing
15 grants to counties and cities to implement a victim
16 notification program pursuant to Section 1 of this act.
17 Applications for grant funds shall be submitted to the
18 board no later than July 1, 1997. The board shall allocate
19 funds to the counties and cities no later than September
20 1, 1997. Grant applications shall specify a system or
21 method by which ongoing costs are to be funded from
22 nonstate sources. Each sheriff, chief of police, or other
23 official in charge of a local detention facility may develop
24 a system to fund ongoing costs of the victim notification
25 program.